



ORDINANCE NO. 3314

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW THE ON-PREMISE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A QUALIFYING RESTAURANT FOR AN APPROXIMATELY 2000 SQUARE FOOT PORTION OF JOSEY LANE RETAIL CENTER, AN ADDITION TO THE CITY OF FARMERS BRANCH (COMMONLY KNOWN AS 13920 JOSEY LANE, SUITE 102) LOCATED WITHIN THE PLANNED DEVELOPMENT NUMBER 3 (PD-3) ZONING DISTRICT; PROVIDING FOR THE APPROVAL OF THE SITE PLAN ATTACHED AS EXHIBIT "A"; PROVIDING FOR ADDITIONAL SPECIAL CONDITIONS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit with special conditions for the on-premise sale and consumption of alcoholic beverages within a qualifying restaurant for an approximately 2000 square foot portion of property depicted on Exhibit "A", attached hereto and incorporated herein by reference, described as Josey Lane Retail Center, an Addition to the City of Farmers Branch, Texas, according to the plat recorded at Volume 84145, Page 2030, Map Records, Dallas County, Texas, (more commonly known as 13920 Josey Lane, Suite 102)("the Property") which is located within the Planned Development Number 3 (PD-3) zoning district.

SECTION 2. If the Property is used and developed in accordance with the rights granted pursuant

to Section 1, above, the Property shall conform in operation, location and construction to the development standards specified within the Planned Development No. 3 (PD-3) zoning district as well as the following special conditions:

- A. The sale of alcoholic beverages shall at all times be in full compliance with all requirements of laws and regulations of the State of Texas and the City of Farmers Branch Comprehensive Zoning Ordinance, as amended, relative to such use;
- B. The Property shall be developed and used only in accordance with the Site Plan attached as Exhibit "A" which is hereby approved;
- C. The sales and service of alcoholic beverages on the Property shall at all times be in conformance with the Alcohol Awareness Program set forth in Exhibit "B," attached hereto and incorporated by reference; and
- D. No amplified live music shall be permitted on the exterior of the Property.

SECTION 3. The Property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

SECTION 4. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance as applicable to the use and development of the Property, the provisions of this Ordinance shall be controlling.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

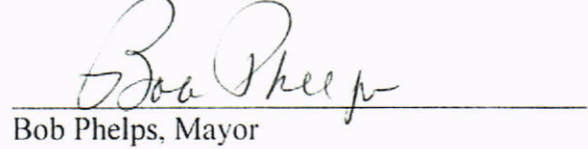
DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,

TEXAS, ON THIS THE 16th DAY OF DECEMBER, 2014.

ATTEST:


Angela Kelly, City Secretary

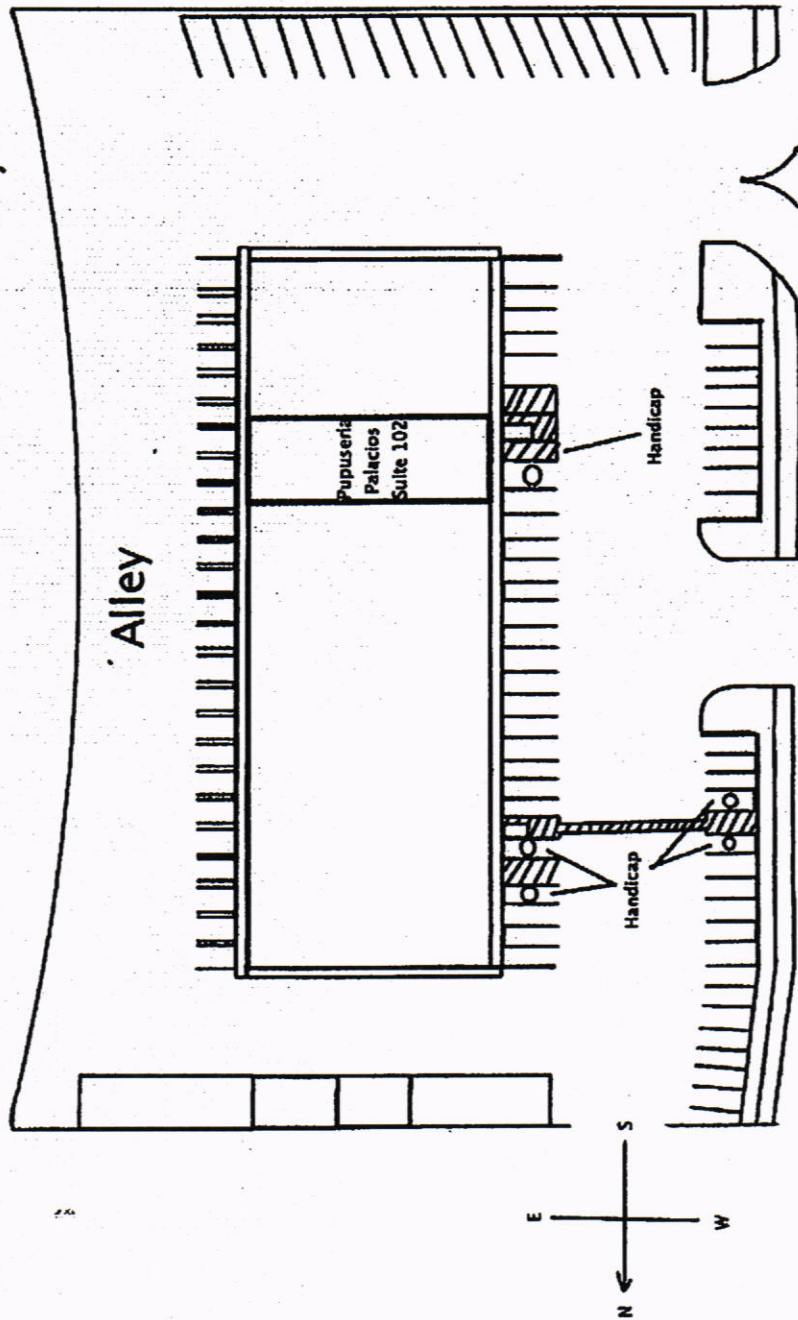
APPROVED:


Bob Phelps, Mayor

APPROVED AS TO FORM:


Peter G. Smith, City Attorney
(kbl:12/5/14:69381)

Ordinance No. 3314
Exhibit A- Site Plan



13920 Josey Ln. Suite 102 Farmers Branch, TX. 75234

Ordinance No. 3314
Exhibit B- Alcohol Awareness Program



Pupuseria Palacios Restaurant Alcohol Service Policy:

1. Pupuseria Palacios Restaurant will require service staff, bartenders and managers to attend and successfully complete a TABC approved Seller Training Program.
2. Pupuseria Palacios Restaurant requires all service staff, bartenders and managers to successfully complete the written examination at the conclusion of the TABC approved Seller Training Program and keep a current certification on file with Pupuseria Palacios Restaurant.
3. Only authorized Pupuseria Palacios Restaurant staff will have access to the bar area.
4. In consideration with TABC laws and regulations, no one under the age of 21 years old will be served alcohol. A legal picture ID consisting of one of the following: Driver's License, Military ID, State ID or Passport will be required to verify age of the consumer.
5. Trained Pupuseria Palacios Restaurant staff or manager will be on duty to ascertain whether or not a customer can be served alcohol.
6. Pupuseria Palacios Restaurant will abide by the Texas Alcoholic Beverage Code and the Texas Penal Code.
7. All Pupuseria Palacios Restaurant employees who directly or indirectly handle alcoholic beverages will be at least 18 years old.
8. All alcoholic beverages will be served for consumption inside the restaurant only.
9. Alcoholic beverages will not be sold, served or delivered to any person who is, or is believed to be intoxicated.
10. Anyone that is, or is believed to be intoxicated will not be permitted to remain on the premises.
11. Pupuseria Palacios Restaurant will call a cab to transport anyone who is, or believed to be intoxicated.
12. Any unlawful acts will be reported to the police department.
13. No alcoholic beverages will be sold before opening.
14. No alcoholic beverages will be sold after closing.
15. Pupuseria Palacios Restaurant will not exhibit any exterior or interior sign hung on a window advertising the sale of alcohol.
16. Pupuseria Palacios Restaurant's gross sale of food shall be at least 60% of the gross sales for each quarterly reporting period.
17. Pupuseria Palacios Restaurant shall maintain and keep records necessary to demonstrate compliance with the minimum 60% food and non-alcoholic beverage sales of the restaurant's total gross sales.